

REMARKS

Claims 1-6 are pending and stand rejected. During a telephone conversation with the Examiner on April 11, 2005, applicant's attorney Mr. Milczarek-Desai made a provisional election, without traverse, to prosecute the invention of claim 1-6. Accordingly, claims 7-16 were withdrawn by the Examiner, under 37 CFR 1.142(b), as being drawn to a non-elected invention. Claim 1 has been amended to include the limitation of original claim 6 and claim 6 has been canceled.

The Examiner rejected claims 15 under 35 U.S.C. 102(e) as being anticipated by Alexandre Catlin et al., (2002/0169092) hereinafter Alexandre. Additionally, the Examiner rejected claim 6 under 35 U.S.C. 103(a) as being unpatentable over Alexandre.

Alexandre teaches a water-soluble pouch having a compartment including a liquid composition. This compartment typically includes an air bubble formed during the manufacture of the compartment. This air bubble can reduce the compressibility of the pouch (p. 15, paragraph 0181).

However, Alexandre indicates that the primary consideration when forming the bubble is that the ratio of the air bubble diameter to the maximum lateral dimension of the pouch footprint is from

about 1:5 to about 1:2. Preferably, the bubble has a diameter from about 9 to about 16 mm (also p. 15, paragraph 0181).

Here, the Examiner indicates that the ratio of the air bubble diameter to the maximum lateral dimension of the pouch will affect the compressibility of the pouch. As such, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the ratio of the air bubble diameter to the maximum lateral dimension of the pouch, which in turn, will affect the pressure within the pouch and the compressibility of the pouch.

However, the applicant and his attorney respectfully disagree with the Examiner's assertion that it would have been obvious to one of ordinary skill in the art to modify the invention, as taught by Alexandre, to produce a pressure of 1-2 psig.

Alexandre teaches a simple method of adjusting a ratio of a volume of air (by adjusting the diameter of the air bubble) to a ratio of product placed within a compartment. The volume of the compartment is relatively constant, so changing the diameter of the air bubble will adjust the volume of the air bubble at the expense of the volume of the liquid product. No mention is made by Alexandre regarding the pressure at which the contents of the compartment are introduced. In fact, absent compressing the contents of the compartment, which is not taught by

Alexandre, the contents of the compartment, both liquid and air, would exert a force upon the interior surface of the compartment equivalent to the force exerted by the ambient air to the outside of the compartment. As such, Alexandre teaches a water-soluble container including an air bubble that has approximately zero psig (relative pressure) with respect to the ambient conditions of its outer surface.

Changing the dimensions of the bubble by one of ordinary skill in the art would simply change the ratio of the volume of the liquid to the volume of the air within the compartment *without affecting the relative pressure exerted on the interior surface of the compartment*. The applicant respectfully submits that *changing the ratio of the air bubble diameter to the maximum lateral dimension of the pouch will not affect the pressure within the pouch and the compressibility of the pouch*. It simply exchanges a volume of product with a like volume of air *without compressing either one*. Because Alexandre does not teach compressing the contents of the pouch, no relative pressure may be developed with respect to the ambient conditions exerted on the outer surface of the container.

In contrast, the present invention teaches a water-soluble pouch with a relative pressure of the interior contents to the ambient conditions of its exterior surface of about 1-2 psig. This relative pressure can be achieved with almost *any* ratio of the

volume of air to the volume of product. For example, a water-soluble pouch containing 90% product (by volume) and 10% air (by volume) may be produced having no relative pressure to the ambient environment exerted on its outer surface. Likewise, a water-soluble pouch containing 10% product (by volume) and 90% air (by volume) may also be produced having no relative pressure to the ambient environment exerted on its outer surface.

However, using equipment to compress the contents of the pouch, the relative pressure of both exemplary pouches may be increased to about 1-2 psig without significantly affecting the ratio of the volume of the product to the volume of the air. This is true because, due to the liquid's low compressibility, the volume of the liquid product remains relatively constant. Any quantity of air introduced into the pouch will compress the air but will not increase its relative volume with respect to the liquid. While the air bubble may contain an additional quantity of air than that which it originally contained, its volume (size of bubble) remains relatively constant, as it has nowhere to go because the liquid refuses to significantly compress. Accordingly, the ratio of the volume of the product to the volume of the air remains relatively constant while pressure increases.

In the instant application, the emphasis is on the quantity of gas, not the ratio of its volume to the product. As such, the applicant respectfully submits that it would not have been

obvious to one of ordinary skill in the art at the time of invention to utilize the invention as taught by Alexandre (manipulation of an air-bubble's diameter ((thus its volume)) with respect to the volume of the container ((and thereby the volume of the product within the container) to produce a relative pressure of approximately 1-2 psig.

In view of the foregoing, the applicant and his attorney believe that Claims 1-5, as amended, recite allowable subject matter. Accordingly, the applicant respectfully requests reconsideration of the rejection. The applicant and his attorney thank the Examiner for the thorough examination of the application.

Please charge any fees incurred with this response to our Deposit Account No. 17-0055.

Respectfully submitted,



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